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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,987	08/27/2001	Ronald Edward Snijders	SNIJDERS	9649

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EXAMINER
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HAVAN, THU THAO

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/890,987

Applicant(s)

SNIJDERS ET AL.

Examiner

Thu Thao Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-11, 13-24 and 26-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-11, 13-24 and 26-32 is/are allowed.
- 6) ☒ Claim(s) 33-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**Detailed Action**

***Response to Amendment***

Claims 2-11, 13-24, and 26-37 are pending. This action is in response to the amendment received June 3, 2005.

***Response to Arguments***

Applicant's arguments with respect to claims 2-11, 13-24, and 26-37 have been considered but are moot in view of the new ground(s) of rejection.

***Drawings***

The Examiner accepts the drawings filed on August 7, 2001.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim **33** is rejected under 35 U.S.C. 102(e) as being anticipated by Leon et al.  
(US 6,052,673).

Re claim 33, Powers teaches a method for conducting a financial transaction (col. 2, lines 55-65) comprising the following steps:

- a.) calculating a future inflation-related incremental value for a commercial product subject to inflation from future index data (figs. 8-9);
- b.) calculating a current cash value of the inflation-related incremental value for the commercial product employing anticipated interest rate date (col. 1, lines 26-47);
- c.) generating a purchase price for purchasing the inflation-related incremental value or a portion of the inflation-related incremental value (col. 19, lines 36-49; col. 20, lines 1-14; figs. 3-4 and 6-9);
- d.) selling the inflation-related incremental value to a purchaser at the purchase price generated (col. 4, lines 29-35; fig. 5). *In other words, Leon discloses investment management in relation to inflation factor. In figures 6-7, Leon calculates original principal with the adjusted inflation for a price of a property. Thus, the purchase price is accordingly generated than sold to the borrower for the particular loan amount.*

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon et al. (US 6,052,673) in view of McDonald et al. (US 2004/0019558).

Re claim 34, Leon teaches a method of effecting a financial transaction between a property-owning entity and a participating inflation trader, wherein the property-owning entity owns property yielding an income subject to an inflation-related increase (col. 2, line 55 to col. 3, line 50), the method comprising:

a) the property-owning entity selling the property to the participating inflation trader at a purchase price paid by the inflation trader to the property-owning entity (col. 4, lines 29-35; fig. 5);

b) the inflation trader separating the income into an inflation-related property increase and a base property price, the base property price optionally being a fixed price, and selling the inflation-related property increase to a third party (col. 9, lines 26-47); and

c) the third party buying the inflation-related property increase from the inflation trader for a cash payment, in which the value of the cash payment is based on a computer-implemented calculation of the inflation-related property increase from future index data (figs. 5-7). *In other words, Leon discloses investment management in relation to inflation factor. In figures 6-7, Leon calculates original principal with the adjusted inflation for a price of a property. Thus, the purchase price is accordingly generated than sold to the borrower for the particular loan amount.*

However, Leon does not explicitly teach rental property. Nevertheless, Leon discloses real estate in relation to inflation (col. 25, lines 40-53). On the other hand, McDonald discloses rental property (para. 0191, 0283, 0344; figs. 6 and 8). McDonald discloses loan data collection for rental property. He calculates the price for the borrowers'

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rental property. Thus, it would have been obvious to one of ordinary skill in the art to include rental property as a real estate property as discloses in McDonald.

Re claim **35**, Leon teaches inflation trader buys the cumulative inflation-related rental increase over a period, optionally 30 years (col. 10, line 64 to col. 11, line 3).

Re claim **36**, Leon teaches the property-owning entity comprises a pension fund having a liability to make periodic pension payments (col., lines).

Re claim **37**, Leon teaches cash payment is an upfront payment (fig. 7). In figure 7, Leon discloses cash payment.

### ***Allowable Subject Matter***

Claims **2-11, 13-24, and 26-32** are allowed.

The following is an examiner's statement of reasons for allowance: The prior arts of record fail to teach, singly or in combination, employing the couple value, the future inflation data and the estimated future interest rate data to calculate a current cash value of the at least one future inflation-related adjustment of the coupon value or a portion of the coupon value for a future year wherein inflation-related adjustment provides inflation cover for the coupon value. In addition, the prior arts of record fail to teach or suggest presentation of a purchase price to the user at which the at least one future annual inflation value  $\text{inf}_i$  for the coupon value CV, or a portion thereof, can be purchased and the program enables the processor to track trading in the at least one future annual inflation value wherein the least one future annual inflation value comprise an asset.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Powers et al, US patent no. 6,684,190, teaches balancing risk for financial planning;

Wallman, US patent no. 6,360,210, teaches investors to manage risk; and

Roberts et al, US 4,752,877, is directed to future liability of uncertain cost.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the

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Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH

8/31/2005

VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

A handwritten signature in black ink, appearing to read "Vincent Millin". The signature is written in a cursive, flowing style.